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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,044	08/04/2003	Hidetake Segawa	16870	5278
23389	7590	07/16/2007	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC			LEUBECKER, JOHN P	
400 GARDEN CITY PLAZA			ART UNIT	PAPER NUMBER
SUITE 300			3739	
GARDEN CITY, NY 11530				

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/634,044	SEGAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John P. Leubecker	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 April 2007.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) 15-31 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1.) Certified copies of the priority documents have been received.  
 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/4/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

***Election/Restrictions***

1. Applicant's election of group I, claims 1-14 in the reply filed on April 20, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 15-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1-3, the term "a relative position of a reference position" is vague and indefinite.

As to claims 4, 5, 8 and 9, phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

As to claims 4 and 5, phrase "the same processing as the formation of the image area" is vague and indefinite.

As to claims 6 and 7, it is not understood how “by which a corner portion around the image area or at least a part of peripheral circuits of the image pickup unit is viewed from the top” defines a shape of the fixing frame. Furthermore, “from the top” is ambiguous since the term “top” has no reference for its intended direction/location.

As to claims 10 and 11, the phrase “positioning a movable frame in the optical axis direction by advancing or returning it to a guide portion in the optical axis direction” is not understood as to its meaning. The term “the optical axis direction” lacks antecedent basis. In addition, the term “upstream” is ambiguous since there is no reference for its intended direction/location.

As to claim 12, term “inner diameter” lacks antecedent basis.

As to claim 14, term “the control operation” lacks antecedent basis.

Dependent claims where present inherit those defects.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Takizawa et al. (US 2003/0020810).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Interpreting the claims as best understood, and referring mainly to Figure 14A, Takizawa et al. disclose an illuminating unit (15), an image pickup unit (17), an objective optical system (16), a fixing frame (not numbered but shown in Figure 14A as parallel lines surrounding the objective lens system 16; also element 61, which surrounds the objective lens system could be considered a fixing frame), a sealed capsule (62,63), and a display device (6, Fig.1). The fixing frame is fixed to a surface of the image pickup unit (leftmost surface of element 17 in Figure 14A, which can be considered a “top” surface) at a “reference-down surface” (surface of either fixing frame mentioned above that is in contact with the image pickup unit). Assuming that the device shown in Figure 14A has been assembled as desired, the intended position of the fixing frame (reference position of the fixing frame) “matches” the corresponding intended position on the image pickup unit (reference position of an image area). Since the fixing frame is place in accordance with an intended position (reference position), it is in correspondence with any portion of the image pickup unit, including the corner portion of the imaging area or at least part of the peripheral circuits. Taking the distal portion of element 61 as the fixing frame, note that

the step is formed to connect with both the “top” surface and side surfaces (surfaces of 17 on the upper and lower sides of Figure 14A) and thus anticipates a leg portion. Takizawa et al. further discloses an electrical circuit block (61) which is slightly smaller in diameter than the inner diameter of the capsule and including a plurality of electrical substrates (26,24,64) having different functions ([0122]) electrically conductive and mechanically fixed via a connecting member (61) in parallel. In addition, an antenna (21) parallel with the optical axis and a plurality of LEDs ([0067]) are also included.

### *Conclusion*

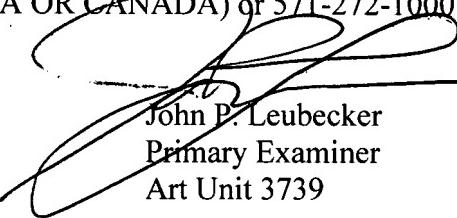
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cambou, Pierre et al.	US 20040080658 A1
Matsumoto, Shinya	US 20030158503 A1
Mizuno, Hitoshi	US 20050250991 A1
Doering, Elko et al.	US 20030146998 A1
Yokoi; Takeshi et al.	US 7022066 B2
Glukhovsky; Arkady et al.	US 20060036131 A1
Webster; Steven	US 20070152147 A1
TAKACHI, TAIZO	US 20030137595 A1
Yokoi; Takeshi et al.	US 6951536 B2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John P. Leubecker  
Primary Examiner  
Art Unit 3739

jpl